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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,346	12/26/2001	Kun-Tsan Wu		7147

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WEI TE CHUNG
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EXAMINER

WONG, ERIC K

ART UNIT PAPER NUMBER

2874

DATE MAILED: 05/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,346

Applicant(s)

WU ET AL.

Examiner

Eric Wong

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

Inventorship

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 5, 7-10, 13, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent Number 6,327,405 to Leyva et al

As to claims 1, 4 and 5, Leyva discloses in figures 1, 3, and 9, a dense wavelength division multiplexer module comprising:

- A plurality of dense wavelength division multiplexers, each of the dense wavelength division multiplexers comprising a sleeve (Figure 8);
- A plurality of optical fibers communicating between the dense wavelength division multiplexers (Figure 9);
- A plurality of retainers, each of the retainers retaining the sleeve of a corresponding dense wavelength division multiplexer therein (31) and;
- Supporting means comprising an array of ribs, the array of ribs comprising at least three pairs of ribs, a plurality of channels being thereby interleavingly defined between pairs of ribs (35, Figure 3);
- Wherein each of the retainers is secured in a corresponding channel between two corresponding pairs of ribs.

As to claim 2 and 19, the ribs are generally aligned with each other, each pair of the ribs is generally parallel to an adjacent pair of the ribs, and the pairs of the ribs are evenly spaced apart.

As to claim 7, each of the retainers defines a passage, a diameter of said passage is substantially equal to the diameter of the sleeve of each of the dense wavelength division multiplexers, and each of the dense wavelength division multiplexers are retained in said passage of a corresponding retainer.

As to claim 8, each retainer forms a C-shaped bead in the passage.

As to claim 9, each retainer defines an entrance in a top surface.

As to claim 10, each of the retainers comprises two opposite sidewalls and two steps are formed in the retainer at opposite ends of the sidewalls respectively.

As to claim 13, the supporting means further comprises a cover and a base (Figure 9).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leyva as applied to claims 1 and 4 above.

Leyva discloses a DWDM module with a casing, where the sidewall of the frame defines a cutout where at least one of the optical fibers is extended through the cutout and strain relief boots (Column 5, Lines 64-65 and Figure 9), but fails to explicitly disclose a rubber loop secured between the base and cover.

One skilled in the art would be able to provide a groove and insert a rubber loop to seal the internal components from external conditions that may be harmful to optical components housed in the casing.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the case of Leyva to include a rubber loop in order to keep internal components safe from external conditions such as moisture.

Claims 6, 11, 12 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leyva as applied to claims 1 and 4 above.

Leyva discloses a DWDM module with a casing, parallel ribs and entrances, but fails to explicitly disclose heat shrinkage tubing.

One skilled in the art would be able to add shrinkage tubing to Leyva in order to protect the optical fiber splice from damage and provide greater rigidity at the splice.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Leyva to include heat shrinkage tubing to provide greater rigidity at the splice point.

Claims 3, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leyva as applied to claims 1 and 4 above and in view of United States Patent Number 6,282,360 to Milanowski et al.

Leyva discloses a DWDM module with a casing, parallel ribs and entrances, but fails to explicitly disclose ribs to hold a DWDM with a straight innermost end and an arcuate outermost end.

Milanowski teaches an organizing structure that has ribs to hold optical fibers with a straight innermost end and an arcuate outermost end in order to better organize and prevent losses due to microbending.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the module of Leyva to include the arcuate portions of the fiber holder of Milanowski to prevent optical losses due to microbending.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. United States Patent Number 6,480,661 to Kadar-Kallen et al for a DWDM module.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Wong whose telephone number is 703-305-4741. The examiner can normally be reached on Monday through Friday, 830AM - 430PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on 703-308-4819. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-0725 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

EW
April 22, 2003



Brian Healy
Primary Examiner